input means for scanning the suspected signature into a personal computer; a portable computer; a palm computer; etc., via either a desk top scanner; a hand held scanner; or a digital camera;

transmission means for transmitting the scanned suspected signature via the Internet to a central computer that is capable of comparing the suspected signature with a set of authentic reference signatures at least one signature having been signed at a different instant from said suspected signature, the selection of which set is based on information provided by the purchaser, and providing the purchaser with an immediate indication whether the suspected signature is authentic or not authentic;

means for generating a certificate of authenticity having a serialized hologram that is identical to a serialized hologram that is then permanently affixed to the collectible as proof of verification; and

means for storing all information at said central computer for reference at a future time.

These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with the Examiner's position. These amendments introduce no new matter. In accordance with the requirements of 37 C.F.R. § 1.121, a marked up version showing the changes to the claims, is attached herewith as Appendix A. For the Examiner's convenience, a complete claim set of the currently pending claims is also submitted herewith as Appendix B.

REMARKS

Status of the Claims

Originally filed claims 1-4 and newly added claims 5-29 were pending. Claims 15 and 27 are cancelled by this amendment.

35 U.S.C. §103a

All claims were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of Brogger. Applicant respectfully traverses in light of these amendments and remarks.

The Invention

The invention in various embodiments teaches a system that uses computer comparison of a signature to one or more different signatures stored for an indicated signer. In specific embodiments, the invention includes allowing a user to indicate different curved surfaces and a computer system performs a signature comparison using that indication.

Response to rejection over United States Patent N° 6309690 (Brogger)

The Examiner has rejected all claims as obvious in light of Brogger. However, all of the discussion in Brogger is directed to placing an identifying mark using microparticles on a particular object and later using that mark to verify the identity of that particular object. Brogger discusses that the microparticles can be placed in a "dot" or can be included in ink that is used to sign the object. Brogger does not discuss comparing one signature with one or more reference signatures.

The Examiner's interpretation of Brogger is not correct. In all cases, Brogger discusses making an image of a "particular object" which includes a microparticle marking and may also include a signature and later comparing the image of that particular object with ITSELF. Thus, Brogger does not suggest any way that a signature on a object can be verified except by specially marking and scanning the object at the time of signing.

The present invention, by contrast, allows a signature on an object to be verified using computer scanning even if the object was not specially marked or scanned at the time the autograph was placed on the object. The present invention thus uses one or more stored images to verify that a new a different signature is authentic.

Thus, Brogger discusses identifying a particular individual item by the addition of a mark that is unique to that particular individual item and that can be applied to various surfaces, including curved surfaces. Brogger does not teach or mention the computerized matching of signatures as that term is generally understood in the art and as it is used in the application. Matching of signatures generally indicates comparing one signature with one or more different samples of signatures from the same person. Applicants claims are directed to this type of signature matching.

Additionally Brogger teachings away by teaching the use of the unique mark as the primary identifying item and comparison of the mark with a recorded image of the mark itself, with out regard to the actual veracity of the signature. Further Brogger does not contemplate comparison of their own mark with anything but itself, thus any concept of comparison with a separate selected set of stored signatures is not discussed in Brogger.

The abstract of Brogger makes clear that Brogger is directed to marking an individual item with some type of special computer readable mark in order to later identify that particular item.

> "A system and method using microcoded marks provides retrospective identification of articles. An article is marked with microparticles having multiple layers. The particles form a unique spatial pattern on the article. An image is made of the mark as applied to the article. The digitized image is stored in a database with information about the article. The database can be accessed

by users to verify the authenticity of an article." Brogger '690, Abstract

Brogger continues "...the present invention can be used **in conjunction with an autograph session** to provide authentication for the autograph as well as the article. For example, the microcoded mark can be applied at the time of the signing, and information regarding the signing, such as the date and place, can be added to the database in association with the article. Additionally, an image of the signature itself is taken and is stored in the database in association with a description of the article. **Alternatively, the signature can be made with ink having microparticles embedded therein. In this manner, the signature itself may form the unique microcoded mark.** The coded signature may be used in addition to or instead of the mark applied in an adhesive drop." Brogger '690, Col. 2, Lines 8-22.

Brogger further explains "In still another preferred embodiment, an image is made of the celebrity's signature on the article. This image is printed or replicated on a transparent or opaque window on or associated with the certificate of authenticity. The user can align this replicated signature with the signature on the article, to get a preliminary indication as to whether the signatures match." Brogger '690, Col. 2, Lines 33-36.

"Additional features and steps may be used in conjunction with the system and method of the present invention. For example, when an image is made of the microcoded mark, an image may also be taken of an autograph itself. The image may be distinct from or part of the image of the microcoded mark. The autograph image is available for retrospective viewing and comparison to the signature on the article. Further, the system can provide for a replicate of the signature to be printed on the certificate of authenticity. Most preferably, the autograph is replicated on a transparent or translucent window on the certificate in actual size, so that retrospectively a user can physically place the certificate on top of the article and visually compare the signatures." Brogger '690, Col. 6, Lines 3-15.

"When the mark dries or solidifies, the microparticles form a unique pattern.... An image is taken of the microparticle pattern, FIG. 10f. Additionally, an image is made of the signature 430 itself. The baseball is visible in the background of the microparticle image or in the area surrounding the particle pattern. The image is taken with a digital imaging device 440 and is stored in a computer database 450. Data regarding the signing is entered via a keyboard 455 and stored in the database in association with

the image, FIG. 10g....As illustrated schematically in FIG. 10g, the database 450 is in communication with a printer 460 which prints a certificate of authenticity 470 for the purchaser of the baseball. The certificate 470, illustrated in FIG. 10i, bears a magnified image 475 of the microparticle pattern, printed information 480 regarding the baseball (e.g. date and place of signing, name of autographer, the name of the purchaser) as pulled from the database, and a transparent window 485 with a replicate of Mr. Puckett's signature 430 printed thereon. In addition, the database assigns a first unique index identifier or indice 486 to the article, and this indice is printed on the certificate. A label bearing a second unique indice (which may match the first indice or may be a different indice assigned to this article and entered into the database in association with the first indice) is attached at the signing to the article or its packaging. A matching or related label 487 bearing the same second indice 488 is attached to the certificate of authenticity 470. **Thus, the purchaser of the baseball receives the ball which bears a locator stamp, a patterned microcoded mark, Mr. Puckett's signature, and a label bearing an indice."** Brogger '690, Col. 10, Line 51 through Col. 11, Line 24.

"The database is accessible via the Internet to users to look up information about logged articles. **Thus, if the purchaser (P) wishes to sell the ball to a subsequent purchaser (SP), SP can verify the authenticity of the ball by entering the indice and viewing information from the database. SP can use his/her home/work computer or SP can visit a kiosk-like arrangement at a retail store or collectors' convention.** The database will show that P is the registered owner. If P provides SP with a copy of the certificate and/or shows the ball to SP, SP will find that all of the information coincides with the information SP retrieves from the on-line database. **By viewing the microcoded mark under magnification, SP will see that the pattern of the particles matches the image in the database.** When SP purchases the ball, he/she will register his/her name with the service maintaining the database so that SP's name is listed as the current owner of the ball. Brogger '690, Col. 11, Lines 25-40.

Comparison of Brogger to independent claims

Thus, Brogger entirely fails to suggest non-obvious elements to each of the independent claims.

With respect to claim 1, Brogger does not suggest or render obvious: (1) selecting the type of collectible surface on which the suspected signature is inscribed or (2) comparing the scanned image of the suspected signature with a selected set of stored signatures at the central computer wherein at least one of said selected set is a signature made by said signer at a different instant from the suspected signature to determine whether the suspected signature is authentic or not authentic.

With respect to claim 7, Brogger does not suggest or render obvious: (1) selecting a type of collectible surface on which said suspected signature is inscribed or (2) comparing said scanned image with a selected set of stored signatures at least one of said selected set signed at a different instant by said signer at said central computer to determine whether the suspected signature is authentic or not authentic.

With respect to claim 18, Brogger does not suggest or render obvious: (1) comparing said scanned image with a selected set of stored signatures at said central computer to verify or authenticate signatures of celebrities; artists; or athletes that have been scribed onto flat or curved or spherical or irregularly shaped collectible objects.

With respect to claim 19, Brogger does not suggest or render obvious: (1) said central computer is able to compare the suspected signature with a set of authentic reference signatures at least one signature having been signed at a different instant from said suspected signature to verify a signature on a collectible.

With respect to claim 26, Brogger does not suggest or render obvious: (1) said system allows authenticating a suspected signature on a collectible by comparison with a set of reference signatures including at least one reference signature signed at a different instant from said suspected signature quickly without having to transport the collectible.

With respect to claim 29, Brogger does not suggest or render obvious: (1) comparing the suspected signature with a set of authentic reference signatures at least one signature having been signed at a different instant from said suspected signature.

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

RESPONSE TO OBVIOUSNESS REJECTION UNDER 35 U.S.C. §103(A)

The pending claims were rejected under 35 U.S.C. §103(a) as allegedly obvious in light of the single cited reference. Applicant has overcome this rejection above, but further wishes to respectfully

reminded the Examiner that it is the Examiner's burden to show from the prior art a suggestion or motivation for making a combination or modification of prior art references to reject the claims. An obviousness rejection requires citation of a teaching or suggestion in the prior art to modify references

> The mere fact that the prior art may be modified in the manner suggested by the Examiner **does not** make the modification obvious **unless the prior art suggested the desirability of the modification.** [emphasis added] *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992)

REQUEST FOR TELEPHONE INTERVIEW

If the Examiner believes the claims are not allowable after reviewing this invention, APPLICANT RESPECTFULLY REQUESTS a telephone conference with the examiner at the earliest possible time. The Examiner is requested to telephone the undersigned at (510) 769-3508.

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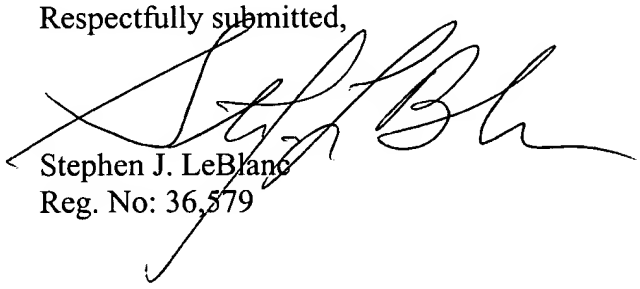
Respectfully submitted,



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